

HB3766



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3766

Introduced 2/28/2007, by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-4

from Ch. 38, par. 26-4

Amends the Criminal Code of 1961. Provides that for purposes of the unauthorized video recording and live video transmission statute, "residence" includes a rental dwelling, but does not include stairwells, corridors, laundry facilities, or additional areas in which the general public has access. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 26-4 as follows:

6 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

7 Sec. 26-4. Unauthorized video recording and live video
8 transmission.

9 (a) It is unlawful for any person to knowingly make a video
10 record or transmit live video of another person without that
11 person's consent in a restroom, tanning bed, tanning salon,
12 locker room, changing room, or hotel bedroom.

13 (a-5) It is unlawful for any person to knowingly make a
14 video record or transmit live video of another person in that
15 other person's residence without that person's consent.

16 (a-10) It is unlawful for any person to knowingly make a
17 video record or transmit live video of another person under or
18 through the clothing worn by that other person for the purpose
19 of viewing the body of or the undergarments worn by that other
20 person without that person's consent.

21 (a-15) It is unlawful for any person to place or cause to
22 be placed a device that makes a video record or transmits a
23 live video in a restroom, tanning bed, tanning salon, locker

1 room, changing room, or hotel bedroom with the intent to make a
2 video record or transmit live video of another person without
3 that person's consent.

4 (a-20) It is unlawful for any person to place or cause to
5 be placed a device that makes a video record or transmits a
6 live video with the intent to make a video record or transmit
7 live video of another person in that other person's residence
8 without that person's consent.

9 (a-25) It is unlawful for any person to, by any means,
10 knowingly disseminate, or permit to be disseminated, a video
11 record or live video that he or she knows to have been made or
12 transmitted in violation of (a), (a-5), (a-10), (a-15), or
13 (a-20).

14 (b) Exemptions. The following activities shall be exempt
15 from the provisions of this Section:

16 (1) The making of a video record or transmission of
17 live video by law enforcement officers pursuant to a
18 criminal investigation, which is otherwise lawful;

19 (2) The making of a video record or transmission of
20 live video by correctional officials for security reasons
21 or for investigation of alleged misconduct involving a
22 person committed to the Department of Corrections.

23 (3) The making of a video record or transmission of
24 live video in a locker room by a reporter or news medium,
25 as those terms are defined in Section 8-902 of the Code of
26 Civil Procedure, where the reporter or news medium has been

1 granted access to the locker room by an appropriate
2 authority for the purpose of conducting interviews.

3 (c) The provisions of this Section do not apply to any
4 sound recording or transmission of an oral conversation made as
5 the result of the making of a video record or transmission of
6 live video, and to which Article 14 of this Code applies.

7 (d) Sentence.

8 (1) A violation of subsection (a), (a-10), (a-15), or
9 (a-20) is a Class A misdemeanor.

10 (2) A violation of subsection (a-5) is a Class 4
11 felony.

12 (3) A violation of subsection (a-25) is a Class 3
13 felony.

14 (4) A violation of subsection (a), (a-5), (a-10),
15 (a-15) or (a-20) is a Class 3 felony if the victim is a
16 person under 18 years of age or if the violation is
17 committed by an individual who is required to register as a
18 sex offender under the Sex Offender Registration Act.

19 (5) A violation of subsection (a-25) is a Class 2
20 felony if the victim is a person under 18 years of age or
21 if the violation is committed by an individual who is
22 required to register as a sex offender under the Sex
23 Offender Registration Act.

24 (e) For purposes of this Section:7

25 (1) "Residence" includes a rental dwelling, but does
26 not include stairwells, corridors, laundry facilities, or

1 additional areas in which the general public has access.

2 (2) "Video ~~"video~~ record" means and includes any
3 videotape, photograph, film, or other electronic or
4 digital recording of a still or moving visual image; and
5 "live video" means and includes any real-time or
6 contemporaneous electronic or digital transmission of a
7 still or moving visual image.

8 (Source: P.A. 92-86, eff. 7-12-01; 93-851, eff. 1-1-05.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.